

Saguache County Board of Commissioners met in regular session Tuesday, Oct 12, 2010 with the following present:

Sam Pace, Chairman
Mike Spearman, Co-Vice Chair
Linda Joseph, Co-Vice Chair
Wendi Maez, Co-Administrator
Lyn Zimmer, Co-Administrator
Ben Gibbons, County Attorney
Melinda Myers, Secretary and Clerk to the Board

Meeting called to order by Chair Pace at 9:04 A.M.

Additions or Deletions to the Agenda.

1. Executive session for Attorney.

Joseph moved to approve the agenda as amended. Pace seconded the motion. The vote was three Ayes.

Reading and approval of minutes of October 5, 2010.

Pace moved to approve the minutes of October 5, 2010. Spearman seconded motion. The vote was three Ayes.

Review of Mail and other correspondence:

1. **Colorado Counties, Inc** sent a letter for the CCI Dues Schedule and Proposed Budget for 2011. (10/5/10)
2. **Resource Conservation Development Council** sent an invitation for their 2010 Annual Meeting on October 21 from 5:30pm to 8:00pm. Located at the Montrose County Fairgrounds, please RSVP by October 15, call 970-874-5735 leave message or email Terri at terri@paintedskyrcd.org. (10/5/10)
3. **Carla Gomez** sent a support letter encouraging the SolarReserve Solar electricity generation project in Saguache County. (10/5/10)
4. **United States Board on Geographic Names** sent a follow up letter regarding two proposals on Mountain name changes, Kit Carson Mountain in Saguache County to Mount Crestone, & Tranquility Peak to the unnamed peak atop Kit Carson Mountain. (10/4/10)
5. **Colorado River District** sent the summaries of the Proposed Amended 2010, 2011 & 2012 Proposed and Projected Budgets. (10/7/10)
6. **State of Colorado Public Health** sent the Notice of Meetings & Agenda for the Air Quality Control Commission on October 21, 2010, 9:00am in Denver. (10/7/10)

Introduction of Guests: Steve Carlson; Matie Bell Lakish – Crestone Eagle; Rick Ferrell – Personal Representative for Jack David; Gary & Shawn Vollertsen; Jane Ferrell; Nancy Thompson; Dottie Eichhorn; Martha & Desiree Lock; David McCallister; Rebecca Rotha; Bob Frazier; Joy Hughes; Erika & John Keyes; Brenda Mixon; Colleen & Max Lowe; and Ken Lowe.

Joseph moved to enter into Executive Session at 9:10 A. M. for conference with County Attorney for the purpose of receiving legal advice for current litigation with Valley publishing in accordance with CRS 24-6-402(4)(b). Spearman seconded the motion. The vote was three Ayes.

Joseph moved to return to regular session at 9:40 A. M. Spearman seconded the motion. The vote was three Ayes.

Commissioners Reports:

Sam Pace reported:

- Oct 6 – Attended Title II RAC meeting in Saguache.
- Oct 7 – Attended the Gunnison Sage Grouse meeting in Villa Grove.

Linda Joseph reported:

- October 6&7 - Attended the quarterly meetings of the State Emergency Medical & Trauma Advisory Council (SEMTAC), and the Bylaws, Public Policy & Finance Committees.
- Consulted with Penny Bruce regarding Library informational article she's preparing.

Mike Spearman reported

- Oct 11 – Attended and spoke at the Center Town & Country Club.

Wendi Maez & Lyn Zimmer – Co-administrator report:

- Sales Tax Grant presented to the Board.
- Updates to County Policies will be discussed later today.
- Preliminary budget presented to the Board. Work sessions need to be scheduled with the board. Administration will notify department heads of date and time.

Wendi Maez - Land Use Administrator:

Spearman moved to approve the Conditional Use Permit for David A. & Cheryl McCallister on Monarch Valley Ranch Parcel 1-44-48-4. Joseph seconded the motion. The vote was three Ayes.

- David A. and Cheryl S. McCallister – Conditional Use request for Additional Residence
Legal Description – Monarch Valley Ranch Parcel 1 – 44-48-4
Present Use – Agriculture/Residential
Intended Use – Agriculture/Residential with more than on residence on property
Road Access – Hwy 50

Utilities – Electricity – Gunnison County Electric Association

Telephone – Quest

Water – Well Permit #042299

Sewage – Permit applied for, for new residence if approved

Approved for other cabins

This request is for an additional residence to be constructed in place of old lodge that was torn down. There are 2 small cabins existing on property.

Two comments in favor of this request have been received.

Saguache County Planning Commission recommended approval of this request as presented with a unanimous vote.

Spearman moved to approve the Variance Request for Jack L. David Tract 45 in 48-4. Joseph seconded the motion. The vote was three Ayes.

- Jack L. David – Variance request to place an old wood frame cabin on property. A Variance is required due to the age of the cabin.

Legal Description – Tract 45 –48-4

Present Use – Agricultural

Intended Use – Residential/Single Family

Road Access – Hwy 50

Utilities - Electricity – Gunnison County Electric Association

Telephone - Quest

Water – Well Permit – 199109

Sewage – applied for

This request is to place a cabin on the location that is older than 20 years.

One comment against this request has been received concerning this application.

Saguache County Planning Commission recommended approval of this request as presented in a unanimous vote.

Spearman moved to approve the Variance Request for Jack L. David Lot B - 25-45-4 as recommended by the Planning Commission. Joseph seconded the motion. The vote was three Ayes.

- Jack L. David – Variance request to place a cabin on property. A Variance is required due to the age of the cabin.

Legal Description – Lot B – 25-45-4

Present Use – Agricultural

Intended Use – Residential/Single Family

Road Access – Hwy 50

Utilities - Electricity – Gunnison County Electric Association

Telephone – Quest

Water – Well Permit – 199108

Sewage – applied for

This request is to place a cabin on the location that is older than 20 years.

One comment against this request has been received.

Saguache County Planning Commission recommended approval of this request as presented in a unanimous vote.

Pace moved to table, the Conditional Use Permit for Sam Brian until next week's meeting if Mr. Brian can attend. Joseph seconded the motion. The vote was three Ayes.

- Sam Brian – CUP request – Lots 1 – 5 Block 11 – Villa Grove – Stove/RV park (existing), Dispensary & Green House for Medical Marijuana.
 - a. Road Access – Hwy 285
 - b. Total Acreage to be used – Town lots
 - c. Utilities – SLV REC
 - d. Telephone – CenturyLink
 - e. Water Supply – Permit #221156A
 - f. Sewage – Permit #256 approved 1986

This request is for the dispensary/green house for Medical Marijuana, the Store/RV park is already in existence and has been for several years.

Three letters of NO objection and a 5 page petition from the landowners on Co. Rd. LL56 and 3 letters of objection have been received concerning this request.

This request was originally voted to deny by the Saguache County Planning Commission, after 3 additional requests were heard a motion was made to table the application. Due to the fact that the applicant and the public were not at the meeting, it was advised that the request be sent on to the BOCC for a decision to either approve, deny or send back to the SCPC for further review. Comments were presented from local landowners, and a petition with 65 local residents signatures opposing the facility. Of the eight community members present, all were against the project.

Break

Ben Gibbons - County Attorney report:

Joseph moved to enter into Executive Session at 11:00 A. M. for conference with County Attorney for the purpose of receiving legal advice for current litigation with Valley publishing in accordance with CRS 24-6-402(4)(b). Spearman seconded the motion. The vote was three Ayes.

Joseph moved to return to regular session at 11:18 A. M. Spearman seconded the motion. The vote was three Ayes.

Policy update:

- Administration presented several proposed policy changes for credit card usage, nepotism and department head leave and payroll. The Board will discuss the policies presented at a future meeting.

Adjourned for Lunch and at 12:00 P. M.

Resumed meeting at 1:00 P. M.

Solar Reserve 1041 Preliminary application discussion

- The Board approved the Preliminary Study report for Maez to send to Solar Reserve.
- Local citizens attended and several spoke out against the project, due to danger to migrating birds and possible water table pollution and visual impacts to neighbors and the Great Sand Dunes National Park.

Tessera Solar discussion:

- Public Hearing date set for December 6, 2010 at 10am.

Joseph moved to enter into Executive Session at 1:50 P. M. for conference with County Attorney for the purpose of receiving legal advice for current litigation with Valley Publishing in accordance with CRS 24-6-402(4)(b). Spearman seconded the motion. The vote was three Ayes.

Joseph moved to return to regular session at 2:30 P. M. Spearman seconded the motion. The vote was three Ayes.

Spearman moved to accept the settlement proposal from Valley Publishing in regards to District Court case #2010cv28 to resolve the litigation. Joseph seconded the motion. The vote was three Ayes.

Joseph moved to adjourn at 3:11 P.M. Pace seconded the motion. The vote was three Ayes.

Respectfully Submitted,

Melinda Myers Secretary to the Board of County Commissioners

Minutes Approved October 19, 2010

Chairman of the Board

Attest

Commissioner

Commissioner